MINUTES OF THE REGULAR CITY COUNCIL MEETING CITY OF COLLEGE STATION MAY 28, 2015

STATE OF TEXAS §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick Steve Aldrich Karl Mooney John Nichols Julie Schultz, absent James Benham

City Staff:

Kelly Templin, City Manager Carla Robinson, City Attorney Chuck Gilman, Deputy City Manager Sherry Mashburn, City Secretary Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Berry at 7:00 p.m. on Thursday, May 28, 2015 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

1. Pledge of Allegiance, Invocation, consider absence request.

Scout Mark Johnson, with Troop 102, led the assembly in the Pledge.

MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Aldrich, the City Council voted six (6) for and none (0) opposed, to approve the Absence Request by Councilmember Schultz. The motion carried unanimously.

<u>Presentation regarding Arts Council awarding a total of \$10,000 in scholarship funds to five graduating seniors pursuing further education in the arts at the college level.</u>

Chris Dyer, CEO of the Arts Council, presented scholarship grants in the amount of \$2,000 each to Regan Schulman, Savannah Troy, Jared Lascurain, Amber Macha, and Nathan Paine.

Citizen Comments

Ben Roper, 5449 Prairie Dawn Ct., came before Council to honor the service and sacrifice of Sgt. Henry Ybarra, III.

Judith Beckman, 9301 Amberwood Ct., spoke to the Appraisal District about why her property was being appraised higher than was legally allowed. The person she spoke with allowed her to leave thinking fraud was being perpetuated against her.

Jerry Kieschnick, P.O. Box 200, Wellborn, said they are the apparent low bidder of the hike and bike trail and wanted to voice their support.

CONSENT AGENDA

- 2a. Presentation, possible action, and discussion of minutes for:
 - May 18, 2015 Workshop
 - May 18, 2015 Regular Council Meeting
- 2b. <u>Presentation</u>, possible action, and discussion regarding an annual agreement between City of College Station and Texas A&M University for Fitlife testing for Fire Fighters in the amount of \$52,200.
- 2c. <u>Presentation, possible action and discussion regarding construction contract 15-200 with Brazos Paving, Inc., in the amount of \$478,339.25 for the extension of Eisenhower Street from Ash Street to Lincoln Avenue.</u>
- 2d. <u>Presentation</u>, possible action, and discussion on consideration of Ordinance 2015-3660, amending Chapter 10, "Traffic Code," Section 2(K) of the Code of Ordinances of the City of College Station to prohibit right turns on red from southbound Texas Avenue to westbound University Drive.
- 2e. <u>Presentation</u>, possible action and discussion regarding a professional services contract (contract number 15300244) with Kimley-Horn and Associates, Inc. in the amount of \$405,900 for the professional engineering services related to the design of the first two phases of the Francis Drive Rehabilitation Project.
- 2f. Presentation, possible action, and discussion regarding approval of Resolution 05-28-15-2f, establishing a Joint Annexation Task Force to update the timing, priorities, and phasing of future annexations.
- 2g. Presentation, possible action, and discussion on the second reading of Ordinance 2015-3661, a non-exclusive Pipeline Franchise Ordinance for Oil and Gas Operations with Halcón Field Services, LLC to construct, operate, maintain, remove, replace, and repair pipeline facilities, together with equipment and appurtenances thereto, for the transportation of petroleum products and byproducts.

- 2h. <u>Presentation</u>, possible action, and discussion on an interlocal agreement (ILA) with <u>Brazos County</u> and the City of Bryan to apply and accept a U.S. Department of Justice, 2015 Justice Assistance Grant (JAG).
- 2i. Presentation, possible action, and discussion concerning the adoption of Resolution 05-28-15-2i, of the City Council of the City of College Station, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, regarding the Company's 2014 and 2015 rate review mechanism filings and approving a settlement agreement with attached rate tariffs and proof of revenues.
- 2j. <u>Presentation, possible action, and discussion regarding construction contract 15-109 with Kieschnick General Contractors, Inc., in the amount of \$3,187,342 for a hike and bike trail from Creek View Park to Lick Creek Park.</u>
- 2k. <u>Presentation</u>, possible action and discussion on a license agreement and pole attachment agreement with ExteNet for the installation and operation of a Distributed Antenna System (DAS).

Item 2j was pulled for a separate vote.

MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Nichols, the City Council voted six (6) for and none (0) opposed, to approve the Consent Agenda, less item 2j. The motion carried unanimously.

- (2j) MOTION: Upon a motion made by Councilmember Brick and a second by Mayor Berry, the City Council voted six (6) for and none (0) opposed, to remove this item from the table. The motion carried unanimously.
- (2j) MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Brick, the City Council voted one (1) for and five (5) opposed, with Mayor Berry and Councilmembers Brick, Aldrich, Mooney, and Nichols voting against, to deny the construction contract 15-109 with Kieschnick General Contractors, Inc., in the amount of \$3,187,342 for a hike and bike trail from Creek View Park to Lick Creek Park. The motion failed.
- (2j) MOTION: Upon a motion made by Councilmember Brick and a second by Councilmember Nichols, the City Council voted five (5) for and one (1) opposed, with Councilmember Benham voting against, to approve the construction contract 15-109 with Kieschnick General Contractors, Inc., in the amount of \$3,187,342 for a hike and bike trail from Creek View Park to Lick Creek Park. The motion carried.

REGULAR AGENDA

1. Public hearing, presentation, possible action, and discussion regarding Ordinance 2015-3662, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from E Estate to RS Restricted Suburban for approximately 63 acres being specifically Robert Stevenson League, Abstract Number 54, College Station,

Brazos County, Texas, said tract being the remainder of a called 101.322 acre tract of land as described by a surface exchange deed to Esther Jane Grant McDougal recorded in Volume 4027, Page 29 of the Official Public Records of Brazos County, Texas, generally located at 3590 Greens Prairie Road West, more generally located north of Greens Prairie Road West and west of the Castlegate II Subdivision.

Jessica Bullock, Planning and Development, stated that this request is to rezone the subject property from Estate to Restricted Suburban.

The Planning and Zoning Commission considered this item at their May 7, 2015 meeting and voted 5-0 to recommend approval of the rezoning. Staff also recommends approval.

At approximately 7:36 p.m., Mayor Berry opened the Public Hearing.

Mark Humphrey, 4406 Regal Oaks Dr., representing the Sweet Water HOA, referenced an email he sent earlier, and voiced their opposition to the connection to Forest Ridge Road. It will change the character of their neighborhood and will also affect the health and safety of the neighborhood.

Wallace Phillips, 4490 Castlegate Dr., stated the rezoning request does meet the City's plan. These will be larger lots than Castlegate II. These will average 10,000 square feet. They brought in utilities to the property, and due to the land use plan, this will be a perfect fit for the infrastructure. There will be five exits in the future, with 300 home for each exit. It is congested now, but this will drop down to 268 exits per exit.

J.R. Torres, 4312 Velencia Ct., spoke in support of the rezoning. This will help the subdivision and draw people to the subdivision.

Veronica Morgan, Mitchell and Morgan Engineering, 3204 Earl Rudder Frwy., representing the applicant, stated that traffic should not be an issue due to the increased number of exits. There should be sufficient ingress/egress for these new residents. It is in compliance with the plan.

Shane Lechler, 26 15 Chillingham Ct., spoke on behalf of the Castlegate II subdivision and voiced their opposition to the rezoning. The property is easily marketable as estate lots. Builders, home buyers, etc. paid premium rates for Castlegate II lots and were given the impression that the property would be estate lots. He voiced other concerns related to traffic congestion. Only two people received notification of the rezoning.

Kyle Grant, 4741 Johnson Creek Loop, spoke in support of the rezoning. There is a high demand for these houses. The property has been sitting there undeveloped since 2001, which shows there is no demand for estate lots.

Jane Cohen, 3655 McCullough Rd., spoke against the development as it is shown. She has concerns that the analysis is incorrect. Lots near her property are one to five acre lots. She said it is not comparable to similar areas. There is a desire for estate lots. Let Wellborn retain some of its rural characteristics.

Dr. Mariah Shelton, 2504 Hailes Ln., said she moved back to College Station from Florida because she wanted the Aggie spirit and a small community. The people who have argued for rezoning

stand to make a lot of money. There is a tremendous drainage issue in Castlegate II, and more homes will make the problem worse.

Thomas Rogers, Jr., 4400 Royal Oaks, asked for an exclusion on the road going through their subdivision as a main thoroughfare. It was not constructed to withstand that much traffic, and there are no sidewalks.

There being no further comments, the Public Hearing was closed at 7:56 p.m.

A motion was made by Councilmember Nichols and seconded by Councilmember Mooney to adopt Ordinance 2015-3662, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from E Estate to RS Restricted Suburban for approximately 63 acres being specifically Robert Stevenson League, Abstract Number 54, College Station, Brazos County, Texas, said tract being the remainder of a called 101.322 acre tract of land as described by a surface exchange deed to Esther Jane Grant McDougal recorded in Volume 4027, Page 29 of the Official Public Records of Brazos County, Texas, generally located at 3590 Greens Prairie Road West, more generally located north of Greens Prairie Road West and west of the Castlegate II Subdivision, conditioned on the road approaching Sweet Water Forest at Forest Ridge Road terminating as a cul de sac. The motion was withdrawn.

A motion made by Councilmember Nichols and a second by Mayor Berry to adopt Ordinance 2015-3662, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from E Estate to RS Restricted Suburban for approximately 63 acres being specifically Robert Stevenson League, Abstract Number 54, College Station, Brazos County, Texas, said tract being the remainder of a called 101.322 acre tract of land as described by a surface exchange deed to Esther Jane Grant McDougal recorded in Volume 4027, Page 29 of the Official Public Records of Brazos County, Texas, generally located at 3590 Greens Prairie Road West, more generally located north of Greens Prairie Road West and west of the Castlegate II Subdivision.

At approximately 8:31 p.m., Mayor Berry re-opened the Public Hearing.

Jane Cohen, 3655 McCullough Rd., noted that McCullough Road is a dead end and is not a thoroughfare in the Wellborn Plan.

There being no further comments, the Public Hearing was closed at 8:34 p.m.

MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Mooney, the City Council voted none (0) for and six (6) opposed to amend Ordinance 2015-3662, by extending the existing Forest Ridge Drive and terminating it in a cul de sac. The motion failed.

MOTION: Upon a motion made by Councilmember Nichols and a second by Mayor Berry, the City Council voted four (4) for and two (2) opposed, with Councilmembers Aldrich and Mooney voting against, to adopt Ordinance 2015-3662, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from E Estate to RS Restricted

Suburban for approximately 63 acres being specifically Robert Stevenson League, Abstract Number 54, College Station, Brazos County, Texas, said tract being the remainder of a called 101.322 acre tract of land as described by a surface exchange deed to Esther Jane Grant McDougal recorded in Volume 4027, Page 29 of the Official Public Records of Brazos County, Texas, generally located at 3590 Greens Prairie Road West, more generally located north of Greens Prairie Road West and west of the Castlegate II Subdivision. The motion carried.

2. <u>Public hearing, presentation, possible action, and discussion regarding Ordinance 2015-3663, amending Chapter 12, "Unified Development Ordinance," Article 2, "Development Review Bodies," and Article 7, "General Development Standards," of the Code of Ordinances of the City of College Station, Texas by revising the Non-Residential Architectural Standards and related standards and processes.</u>

At 8:50 p.m., the Mayor reconvened the meeting.

Jason Schubert, Planning and Development, reported that the Non-residential Architecture Standards were originally created as an economic development effort and some revisions to the Potential UDO amendments were identified in the Planning & Development Services Organization Review performed by Marsh Darcy Partners in 2013. It was noted that the business community feels the NRA and landscaping standards are too complex, difficult to understand and apply in too many circumstances. While both the Council and the business community value the higher standards expected, the business community wonders if there a simpler way to get the same result. The Planning & Zoning Commission Plan of Work also calls for a review of the existing NRA standards to evaluate if updates are needed to reflect current practices and allow more flexibility in design. This ordinance amendment seeks to overhaul the standards to simplify and realign them to reflect the direction received during the amendment process and to address issues identified over the years through application of the standards.

The Bicycle, Pedestrian & Greenways Advisory Board considered the portion of the amendment related to bicycle and pedestrian standards at their May 4, 2015 meeting. The Board recommended approval (6-0) with the condition that a reference be provided to Alternative Parking Plans and the pedestrian plaza requirement be retained for sites or building plots in excess of 10 acres, while removing the allowance for seating in the parking landscape areas to qualify as one of the three minimum plaza elements.

The Planning & Zoning Commission considered this item at their May 7, 2015 meeting and recommended approval (5-0) with the changes recommended by the Bicycle, Pedestrian & Greenways Advisory Board. The recommended changes have been incorporated into the proposed ordinance.

At approximately 9:06 p.m., Mayor Berry opened the Public Hearing.

Veronica Morgan, 3204 Earl Rudder Frwy., stated that her concerns are related to warehousing facilities meeting architectural restrictions. There is no opportunity put in a bay window or awning for these types of facilities. There are limited areas where those facilities can go due to restrictive zoning. There are architectural elements that do not have a real purpose.

Andrew Hawkins, 1911 Bee Creek Dr., said these changes are a good start, and we are headed in right direction.

Jane Kee, Planning and Zoning Chair, gave kudos to the staff for their efforts.

There being no further comments, the Public Hearing was closed at 9:11 p.m.

MOTION: Upon a motion made by Councilmember Aldrich and a second by Councilmember Benham, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance 2015-3663, amending Chapter 12, "Unified Development Ordinance," Article 2, "Development Review Bodies," and Article 7, "General Development Standards," of the Code of Ordinances of the City of College Station, Texas by revising the Non-Residential Architectural Standards and related standards and processes. The motion carried unanimously.

3. <u>Presentation</u>, <u>possible action</u>, <u>and discussion regarding the appointment of three City Council members and a Chair to the Joint Annexation Task Force.</u>

This item was taken up before Item #2, and was followed by a brief recess at 8:45 p.m.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Brick, the City Council voted five (5) for and none (0) opposed, with Councilmember Benham absent from the dais, to appoint Mayor Berry, Councilmember Aldrich, and Councilmember Nichols to the Joint Annexation Task Force. The motion carried unanimously.

MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Aldrich, the City Council voted five (5) for and none (0) opposed, with Councilmember Benham absent from the dais, to Mayor Berry as Chair of the Joint Annexation Task Force. The motion carried unanimously.

4. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 9:13 p.m. on Thursday, May 28, 2015.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary



College Station City Council Workshop & Regular Agenda Sign In Sheet Thursday, May 28, 2015 at 4:30 & 7:00 p.m.

City Hall Council Chamber

Mayor

Nancy Berry

Mayor ProTem

Blanche Brick

Manager

Kelly Templin

Council Members
Steve Aldrich
Karl Mooney
John Nichols
Julie Schultz
James M. Benham

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12.	WHAME PHUNTS	4495 CASTLEGATE	
13.	J.R. Torres	4312 Velencia CA	
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Note this not a Hear Visitors form To speak on a particular item please file out the Citizen

Speakers Form next to sign in sheet.



College Station City Council Workshop & Regular Agenda

Sign In Sheet Thursday, May 28, 2015 at 4:30 & 7:00 p.m. City Hall Council Chamber

Mayor

Nancy Berry

Mayor ProTem

Blanche Brick

Manager

Kelly Templin

Council Members Steve Aldrich Karl Mooncy John Nichols Julic Schultz James M. Benham

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ж.	Craig, Unryl, Bosh, Region Schulman	719 Plvm Hollow		
4.	Shane Leihler	2615 (hillingham Ct	979-255-8992	
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7.	Glende Johnston	2600 Chillingham		
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12.	ANDREW HAWKINS	1911 SEE CREED DR. 77890	A_HAWKINS@HAWKINSARCH.COM	72
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Regular Meeting Date: 03/28/15
MM/DD/YY

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- 2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
- 3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. See reverse side for additional rules.

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1101 Texas Avenue, College Station, Texas 77840

Fax: 979-764-6377

Email: smashburn@cstx.gov

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Regular Meeting Date: 05 28 15 MM/DD/YY

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Regular Meeting Date: 05/28/15

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Regular Meeting Date: MM/DD/YY Home of Texas AcM University ** Please <u>PRINT</u> all information ** 693-7142 Phone: Name: 2105 Langford s_a_china@yahoo Comments: WRITTEN AGENDALTEM# EUSerhowe Exte **HEAR VISITORS** Comments are presented for: FOR WRITTEN COMMENTS, PLEASE WRITE BELOW: Our Church's (the College Station Chinese Church COMMENTS CONTINUED ON ATTACHED DOCUMENT OF

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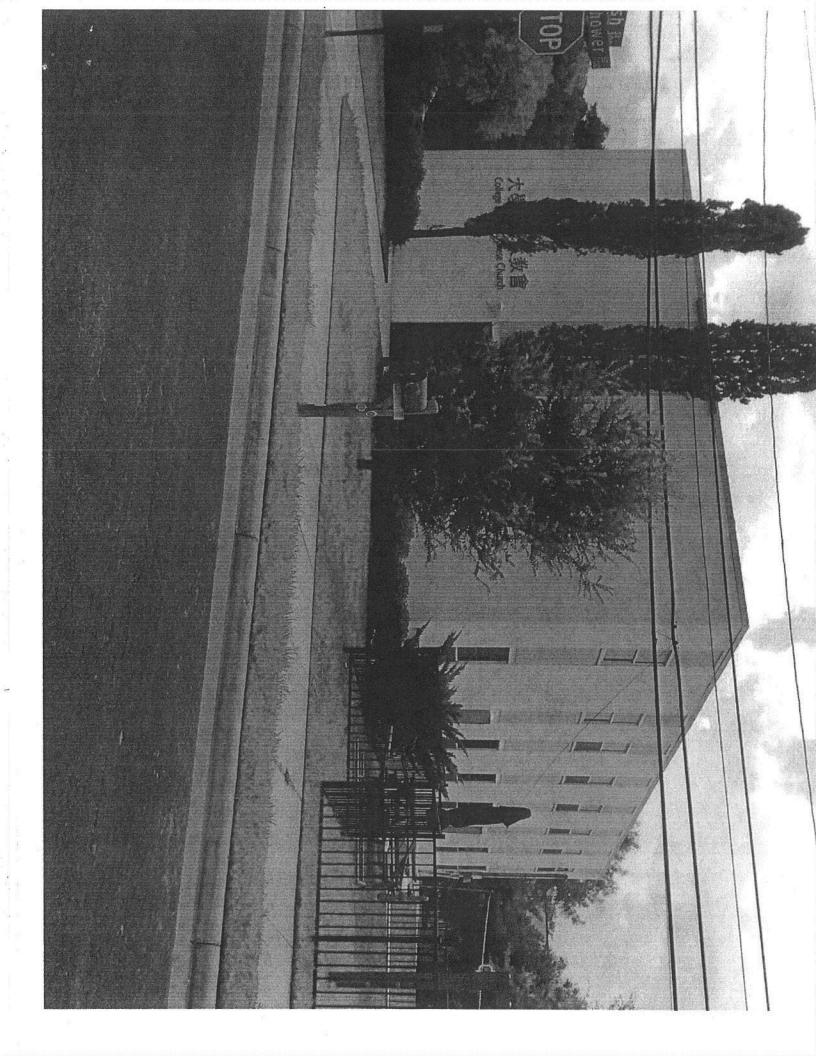
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Fax: 979-764-6377

Email: smashburn@cstx.gov







Regular Meeting Date:

5-28-(5 MM/DD/YY

Name: Mark Humphrey Phone: Address: 4486 Regal Oaks Dr. Comments will be presented for PUBLIC HEARING AGEN	ents: WRITTEN ORAL
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Regular Meeting Date: 5 28 15 MM/DD/YY

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Fax: 979-764-6377

Email: smashburn@cstx.gov





Regular Meeting Date: ______

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City of College Station City Secretary's Office – City Hall 1101 Texas Avenue, College Station, Texas 77840

Fax: 979-764-6377

Email: smashburn@cstx.gov

OFFICE USE ONLY: (# in which received)



Regular Meeting Date: 5/28/15

** Please <u>PRINT</u> all inform	nation **			
Name: Veronia Moran	Phone: 2606963			
Address: 3204 Earl Rudder Fun S.				
Email: V@ Mitchellandnurgan.com	Comments: WRITTEN X ORAL			
Comments will be presented for PUBLIC HEARING AGENDA ITEM # 1 \$ 2				
FOR WRITTEN COMMENTS, PLEASE WRITE BEL	OW:			
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COMMENTS CONTINUED ON A	ATTACHED DOCUMENT OF PAGE(S)			

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Regular Meeting Date: 5 / 28 / 15 MM / DD / YY

** <i>Pl</i> ea	se <u>PRINT</u> all inforn	nation **
Name: Shane lecher		Phone: 979-255-8992
Address: 2615 Chillingha	m Ct.	
Email: Shane, lechker Bogma	/.com	Comments: WRITTEN CORAL
Comments will be presented for Pl		G AGENDA ITEM # 15-0253
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Regular Meeting Date: 65/28/15

** Please <u>PRINT</u> all inform	nation **
Name: Kyle Grant	Phone: (979) 777-5553
Address: 4741 Johnson Creek Loop	
Email: Kyle Realtor Bancil-com	Comments: WRITTEN ORAL
Comments will be presented for PUBLIC HEARIN	IG AGENDA ITEM#
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Fax: 979-764-6377

Email: smashburn@cstx.gov



Regular Meeting Date:

5/28/15

	** Please <u>PRINT</u> all info	ormation **
Name: Jane Chen		Phone: 979-690-3500
Address: 3655 Mc (illough fd,	C 5 77845 Comments: WRITTEN ORAL
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Regular Meeting Date: 5-28-15

MM/DD/YY

Name: DR / Address:	MARIAN S	1. Com cor	mments: WRITT	
FOR WRITTEN	COMMENTS, PLEASE	WRITE BELOW:		
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Fax: 979-764-6377

Email: smashburn@cstx.gov





Regular Meeting Date: ____

5-28-13

MM / DD / YY

** Please PRINT all inform	ation **
Name: Thomas Roders JR	Phone: 979 492 5472
Address: 4400 Regal OAKS	
Email: thansa basbrosh. con	Comments: WRITTEN ORAL
Comments will be presented for PUBLIC HEARIN	G AGENDA ITEM #
FOR WRITTEN COMMENTS, PLEASE WRITE BELO	DW:
COMMENTS CONTINUED ON A	TTACHED DOCUMENT OF PAGE(S)

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Regular Meeting Date: 05/28/2015
MM/DD/YY

** Please <u>PRINT</u> all information **
Name: Pablo Martinez Phone: 837-758-1867
Address: 4303 Norwich Dr. Castegate II
Email: Pablo-martinez a axispipe and the com comments: W WRITTEN ORAL
Comments will be presented for PUBLIC HEARING AGENDA ITEM #
FOR WRITTEN COMMENTS, PLEASE WRITE BELOW: Totally AGAINST.!
I opose to this proposal of reconing, when we bought the property
we were told all homes would be the same sizing in average. We
correctly have a calm and nice neighborhood and we are very wormed
about increase in trafic with our kids, to overpopulation in packs, since
we haven't hear about increasing public zones. We don't agree they approve
this proposal to make more money, now that they see that had success, that
This proposal to make more money, now that they see that had success, that goes against what we all buy in the first place. COMMENTS CONTINUED ON ATTACHED DOCUMENT OF PAGE(S)

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Home of Texas A&M University*		MM / DD /	
	** Please <u>PRINT</u> all inform	nation **	
Name: ANDREW H	AWKINS	Phone: 979-76	4.9792
Address: 1911 BEE			
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